

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**WESLEY BROWN,**

**Petitioner,**

**v.**

**JIM MORROW, WARDEN,**

**Respondent.**

)  
)  
)  
)  
)  
)  
)  
)  
)  
)

**No. 3:11-cv-00039  
Judge Sharp**

**ORDER**

The court has before it a *pro se* Notice of Appeal (Docket No. 88) challenging the court's February 27, 2012 order (Docket No. 80) denying Mr. Brown's 28 U.S.C. § 2254 petition for *habeas corpus* relief and dismissing this action. In his most recent filing, the petitioner asks the court to issue a Certificate of Appealability. (Docket No. 88).

However, the court already has considered whether a Certificate of Appealability should be granted as to the petitioner's claims. (Docket No. 79 at p. 24). In the memorandum entered contemporaneously with the court's order of February 27, 2012, the court found that, although reasonable jurists could debate whether the petitioner's trial was deficient, the petitioner has not "made a substantial showing of the denial of a constitutional right." (*Id.*) The court therefore declined to issue a Certificate of Appealability as to any of the petitioner's claims. (*Id.*)

Mr. Brown did not submit the appellate filing fee along with his Notice of Appeal. Mr. Brown has thirty (30) days to submit the full appellate filing fee of four hundred fifty five dollars (\$455.00) if he wants to proceed on appeal.<sup>1</sup> Mr. Brown is forewarned that, if he fails to submit the

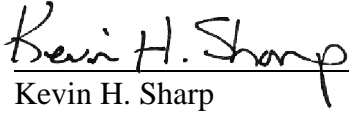
---

<sup>1</sup>Because the court determined that an appeal would not be brought in good faith, Mr. Brown is not entitled to proceed as a pauper on appeal. 28 U.S.C. § 1915(a)(3).

full appellate filing fee within the proscribed time period, the Sixth Circuit Court of Appeals may deny his appeal for want of prosecution.

The Clerk is directed to forward a copy of this Order to the Clerk of Court for the Sixth Circuit Court of Appeals.

It is so **ORDERED**.

  
\_\_\_\_\_  
Kevin H. Sharp  
United States District Judge